



New South Wales

# Crimes Amendment (Apprehended Violence Orders) Act 1997 No 14

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New South Wales

# **Crimes Amendment (Apprehended Violence Orders) Act 1997 No 14**

Act No 14, 1997

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An Act to amend the *Crimes Act 1900* to ensure that contact with any children of the parties is taken into account when apprehended violence orders are made or varied. [Assented to 29 May 1997]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Crimes Amendment (Apprehended Violence Orders) Act 1997*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Crimes Act 1900 No 40**

The *Crimes Act 1900* is amended as set out in Schedule 1.

## Schedule 1 Amendment

(Section 3)

### Section 562FA

Insert after section 562F:

#### 562FA Consideration of contact with children

- (1) A person who applies for, or for a variation of, an apprehended violence order must inform the court of
  - (a) any relevant family contact order of which the person is aware, or
  - (b) any pending application for a relevant family contact order of which the person is aware.

The court is required to inform the applicant of the obligation of the applicant under this subsection.

- (2) In deciding whether or not to make or vary an apprehended violence order, the court must:
  - (a) consider whether contact between the protected person, or between the defendant, and any child of either of those persons is relevant to the making or variation of the order, and
  - (b) have regard to any relevant family contact order of which the court has been informed.
- (3) An apprehended violence order, or a variation of such an order, is not invalid merely because of a contravention of this section.
- (4) Subsection applies to applications made after the commencement of this section and subsection (2) applies to the making or variation of apprehended violence orders after that commencement.
- (5) In this section:

*application* for an order means a complaint for an order.

*apprehended violence order* includes an interim order under section 562BB, but does not include a telephone interim order.

***protected person*** means the person for whose protection an order is made or sought.

***relevant family contact order*** means a section 68R contact order (within the meaning of Division 11 of Part 7 of the *Family Law Act 1975* of the Commonwealth) that relates to contact between the protected person, or between the defendant, and any child of either of those persons.

[Minister's second reading speech made in—  
Legislative Council on 9 April 1997  
Legislative Assembly on 22 May 1997]